

By: Representative Denny

To: Apportionment and
Elections

HOUSE BILL NO. 535

1 AN ACT TO AMEND SECTION 23-15-217, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE AN ELECTION COMMISSIONER TO BECOME A CANDIDATE FOR
3 ANOTHER OFFICE, IF THE OFFICE IS VACATED AND A SPECIAL ELECTION IS
4 NEEDED, AND IF THE ELECTION COMMISSIONER RESIGNS WITHIN FIVE DAYS
5 OF THE OFFICE BECOMING VACANT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 23-15-217, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-217. (1) A commissioner of election of any county may
10 be a candidate for any other office at any election held or to be
11 held during the four-year term for which he has been elected to
12 the office of commissioner of election or with reference to which
13 he has acted as such; provided that he has resigned from the
14 office of election commissioner before January 1 of the year in
15 which he desires to seek the office. However, if the office
16 sought by the election commissioner is vacant and requires the
17 calling of a special election, an election commissioner may be a
18 candidate in that special election if he resigns within five (5)
19 working days of the vacancy, and if the election commissioner has
20 taken no action as an election commissioner with reference to the
21 election at which the vacancy is to be filled.

22 (2) In any case involving the election of a county election
23 commissioner wherein there is a contest of any nature including,
24 but not limited to, the right of any person to vote or the
25 counting of any challenge ballot, all the duties and powers of the
26 commission in connection with said contest shall be performed by
27 the board of supervisors, as is contemplated by Section 23-15-215

28 in cases where there are no commissioners of election in the
29 county.

30 SECTION 2. The Attorney General of the State of Mississippi
31 shall submit this act, immediately upon approval by the Governor,
32 or upon approval by the Legislature subsequent to a veto, to the
33 Attorney General of the United States or to the United States
34 District Court for the District of Columbia in accordance with the
35 provisions of the Voting Rights Act of 1965, as amended and
36 extended.

37 SECTION 3. This act shall take effect and be in force from
38 and after the date it is effectuated under Section 5 of the Voting
39 Rights Act of 1965, as amended and extended.